

## § 36.12

## 30 CFR Ch. I (7–1–03 Edition)

### § 36.12 Changes after certification.

If an applicant desires to change any feature of certified equipment, he shall first obtain MSHA's approval of the change, pursuant to the following procedure:

(a) Application shall be made as for an original certificate of approval, requesting that the existing certification be extended to cover the proposed changes and shall be accompanied by drawings, specifications, and related data, showing the changes in detail.

(b) The application will be examined by MSHA to determine whether inspection and testing of the modified equipment or component or subassembly will be required. Testing will be necessary if there is a possibility that the modification may affect adversely the performance of the equipment. MSHA will inform the applicant whether such testing is required and the component, subassembly, and related material to be submitted for that purpose.

(c) If the proposed modification meets the requirements of this part, a formal extension of certification will be issued, accompanied by a list of new and corrected drawings and specifications to be added to those already on file as the basis for the extension of certification.

[Schedule 31, 26 FR 645, Jan. 24, 1961, as amended at 52 FR 17516, May 8, 1987]

EFFECTIVE DATE NOTE: At 68 FR 36423, June 17, 2003, § 36.12 was amended by revising paragraph (a), effective Aug. 18, 2003. For the convenience of the user, the revised text is set forth as follows:

### § 36.12 Changes after certification.

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(a)(1) Application shall be made, as for an original certificate of approval, requesting that the existing certification be extended to cover the proposed change. The application shall be accompanied by specifications and related material as in the case of an original application.

(2) Where the applicant for approval has used an independent laboratory under part 6 of this chapter to perform, in whole or in part, the necessary testing and evaluation for approval of changes to an approved product under this part, the applicant must provide to MSHA as part of the approval application:

(i) Written evidence of the laboratory's independence and current recognition by a laboratory accrediting organization;

(ii) Complete technical explanation of how the product complies with each requirement in the applicable MSHA product approval requirements;

(iii) Identification of components or features of the product that are critical to the safety of the product; and

(iv) All documentation, including drawings and specifications, as submitted to the independent laboratory by the applicant and as required by this part.

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### § 36.13 Withdrawal of certification.

MSHA reserves the right to rescind for cause any certificate of approval granted under this part.

## Subpart B—Construction and Design Requirements

### § 36.20 Quality of material, workmanship, and design.

(a) MSHA will test only equipment that in the opinion of its qualified representatives is constructed of suitable materials, is of good quality workmanship, based on sound engineering principles, and is safe for its intended use. Since all possible designs, arrangements, or combinations of components and materials cannot be foreseen, MSHA reserves the right to modify the construction and design requirements of subassemblies or components and tests thereof to obtain the same degree of protection as provided by the tests described in Subpart C of this part.

(b) The quality of material, workmanship, and design shall conform to the requirements of § 7.98(q) of this chapter.

(c) Power packages approved under part 7, subpart F of this chapter are considered to be acceptable for use in equipment submitted for approval under this part. Sections 36.21 through 36.26 (except § 36.25(f)) and §§ 36.43 through 36.48 are not applicable to equipment utilizing part 7, subpart F power packages, since these requirements have already been satisfied.

[Sched. 31, 26 FR 645, Jan. 24, 1961, as amended at 61 FR 55526, Oct. 25, 1996]